

Appl. No. 10/605,687
Amendment dated October 12, 2006

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Remarks/Arguments:

The amendments in this response are made to the claims as examined in the Office Action made Final dated August 22, 2006. Amendments herein are made to place the application in condition for allowance, and as such, Applicants respectfully request reconsideration of the application. Claims 1, 5, 6, 8 - 10 and 12 - 16 are pending. Claims 1, 5, 6, 8 - 10 and 12 - 16 stand rejected at present. Claims 12 - 14, were previously withdrawn from consideration.

Please cancel claims 12 - 14.

Claim 1 has been amended to add the proviso that the mixture of the solid acid-precursor and the solid acid-reactive material are not a combined mixture, and that the solid acid-precursor and the solid acid-reactive material mixture is a physical mixture of separate particles of separate solid acid-precursor and solid acid-reactive material components. Support for this limitation is provided in the specification as originally filed at paragraph [0013], where it is cited:

Mixtures of one or more solid acid-precursors and one or more solid acid-reactive materials may be purely physical mixtures of separate particles of the separate components. The mixtures may also be manufactured such that one or more solid acid-precursors and one or more solid acid-reactive materials is in each particle; this will be termed a "combined mixture".

Therefore Applicants believe no new matter is added by this amendment. Applicants believe that the additional proviso now recited in the claims is fully supported by the specification as filed. Applicants are simply claiming less than the full scope of their disclosure. Moreover, Applicants respectfully submit that In re Johnson, 194 U.S.P.Q. 187 (C.C.P.A. 1977), provides legal precedent for the addition of these provisos.

Claims 1, 5, 10 and 15 were rejected under 35 U. S. C. 102(b) as being anticipated by Cantu et al. in U.S. Patent 4,986,354. Applicants note that Cantu '354 discloses borate

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crosslinkers encapsulated within microcapsules where the microcapsules are formed from the low molecular weight condensation product of hydroxyacetic (glycolic) acid with itself, or with other compounds, such as lactic acid. Thus, the Cantu '354 teaches a mixture where the solid acid-precursors and solid acid-reactive materials are in each particle (i.e. microcapsule), a concept defined as a "combined mixture" in Applicant's specification as originally filed. This is distinguishable from Applicant's invention as currently claimed, where the mixture of one or more solid acid-precursors and one or more solid acid-reactive materials may be purely physical mixtures of separate particles of the separate components, and not a combined mixture.

Also, Applicants believe that the condensation product of hydroxyacetic acid is an acid precursor, and not an acid, since water must be provided to liberate acid through hydrolysis. As such, the acid precursor and the borax or boric acid would not readily react with one another prior to dissolution of the acid precursor in water. Therefore, the condensation product of hydroxyacetic acid as an encapsulant for borate crosslinker would exist, to form a single capsule particle as disclosed in Cantu '354.

As such, Cantu '354 fails to anticipate Applicant's claim since Cantu does not disclose all elements of, and as arranged in, Applicant's claims.

Claims 6 and 16 were rejected under 35 U. S. C. 103(a) as being unpatentable over Cantu et al. in U.S. Patent 4,986,354. Independent claim 1 has been amended herein, and claims 6 and 16 depend thereon. Modifying Cantu '354 to achieve the invention as claimed herein would result in inoperability or destruction of the intended function, since the chemical would not be incorporated within the condensed acid capsule, and thus the release would not be delayed. Therefore, Applicant's claimed invention is non-obvious, and Applicants respectfully request withdrawal of the rejection.

Claims 8 and 9 were rejected under 35 U. S. C. 103(a) as being unpatentable over Cantu et al. in U.S. Patent 4,986,354 in view of Johnson et al. (5,325,921). Claims 8 and 9 depend upon amended claim 1. To the extent that the examiner maintains the rejection, Applicants respectfully traverse. Combining the teachings of Cantu '354 with those of Johnson '921 would not result in the invention as now claimed by the Applicants. Therefore, Applicants respectfully request withdrawal of the rejection.

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In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606. The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0758).

Respectfully submitted,



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